

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

STATE OF NEW MEXICO *ex rel.*  
State Engineer,

Plaintiff,  
v.

ROMAN ARAGON, *et al.*,

Defendants.

01 AUG 31 2001

69cv07941 JEC-ACE

RIO CHAMA STREAM SYSTEM  
Rio Cebolla, Section 3

Subfile No.: CHCB-007-0002A

**CONSENT ORDER**

The Court, having considered the agreement between the Plaintiff State of New Mexico and Defendant(s):

**DONNA M. MARTINEZ  
LEROY A. MARTINEZ**

concerning the Defendant's right to use the public waters of the Rio Chama Stream System, as set forth below finds:

1. The Court has jurisdiction over the parties and the subject matter of this suit.
2. The State of New Mexico and the above-named Defendant(s) are in agreement concerning certain elements of Defendant's right to divert and use the public waters of the Rio Chama Stream System, Rio Cebolla, Section 3, and by their signatures appearing below, the State and the Defendant(s) have approved and accepted the elements of Defendant's water rights as set forth in paragraph 4 herein.
3. There is no just reason for delay for the entry of a final judgment as to the element of the claims of the Defendant(s) adjudicated by this order.

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LEGAL SERVICES DIVISION

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4. The right of the Defendant(s) to divert and use the public waters from the Rio Chama Stream System, Rio Cebolla, Section 3, are set forth below:

**A. IRRIGATED LANDS (Surface Water Only):**

**Office of the State Engineer Files No(s)** 2631

**Priority:** Reserved for future determination by court order entered July 25, 2000.

**Source of Water:** Surface waters of the Rito Cienega Redonda, a tributary of the Rio Cebolla, a tributary of the Rio Chama.

**Purpose of Use:** IRRIGATION

**Point of Diversion:**

**Ditch Name:** RINCON BLANCA DITCH

**Location X:** 1,578,548 feet **Y:** 2,012,107 feet

New Mexico State Plane Coordinate System, Central Zone, 1983 N.A.D.

**Location and Amount of Irrigated Acreage:**

Section 10, Township 26N, Range 04E, N.M.P.M.

Pt. SE¼

4.2 acres

Total 4.2 acres ( Fallow )

As shown on the attached revised Hydrographic Survey Map for Subfile No.:  
CHCB-007-0002A.

**Amount of Water:** Reserved for future determination by court order entered July 25, 2000.

**B. IRRIGATED LANDS (Surface Water Only):**

**Office of the State Engineer Files No(s)** 2631

**Priority:** Reserved for future determination by court order entered July 25, 2000.

**Source of Water:** Surface waters of the Rito Cienega Redonda, a tributary of the Rio Cebolla, a tributary of the Rio Chama.

**Purpose of Use:** IRRIGATION

**Point of Diversion:**

**Ditch Name:** RINCON BLANCA DITCH

**Location X:** 1,578,548 feet **Y:** 2,012,107 feet

New Mexico State Plane Coordinate System, Central Zone, 1983 N.A.D.

**Location and Amount of Irrigated Acreage:**

Section 10, Township 26N, Range 04E, N.M.P.M.

Pt. SE¼

10.8 acres

Total 10.8 acres ( Fallow )

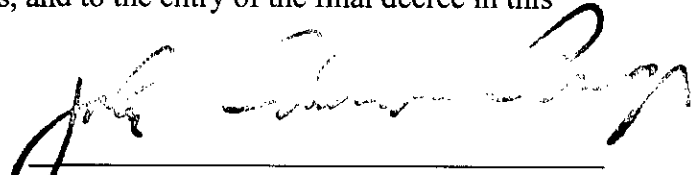
As shown on the attached revised Hydrographic Survey Map for Subfile No.:  
CHCB-007-0002A.

**Amount of Water:** Reserved for future determination by court order entered July 25,  
2000.

5. Defendant(s) have no surface water rights in the Rio Chama Stream System,  
Rio Cebolla, Section 3, other than those set forth in this order and those other orders  
entered by this Court in this cause.
6. Defendant(s), his or her successors, representatives, heirs and assigns, should be  
enjoined from any use of the surface waters of the Rio Chama Stream System,  
Rio Cebolla, Section 3, except in strict accordance with the water rights described  
herein.
7. The water rights described herein, if any, are adjudicated subject to the right of  
any other water right claimant with standing to object prior to the entry of a final decree.

IT IS THEREFORE ORDERED that the rights of the Defendant(s) to divert and use the  
waters of the Rio Chama Stream System, Rio Cebolla, Section 3, are as set forth herein.  
The Defendant(s), his or her successors, representatives, heirs and assigns, are enjoined from  
any diversion or use of the public surface waters of the Rio Chama Stream System,  
Rio Cebolla, Section 3, except in strict accordance with the rights set forth herein or in  
other orders of the Court.

The Court enters this Consent Order as a final judgment as to the elements of Defendant's waters rights set forth herein, subject to the right of other claimants to file objections to individual adjudication orders, and to the entry of the final decree in this proceeding.

  
UNITED STATES DISTRICT JUDGE

Recommended for approval:

Vickie L. Gubin  
SPECIAL MASTER

ACCEPTED: Donna M. Martinez  
DONNA M. MARTINEZ

ADDRESS: PO Box 218  
Cebolla, NM 87518

DATE: 8/16/01

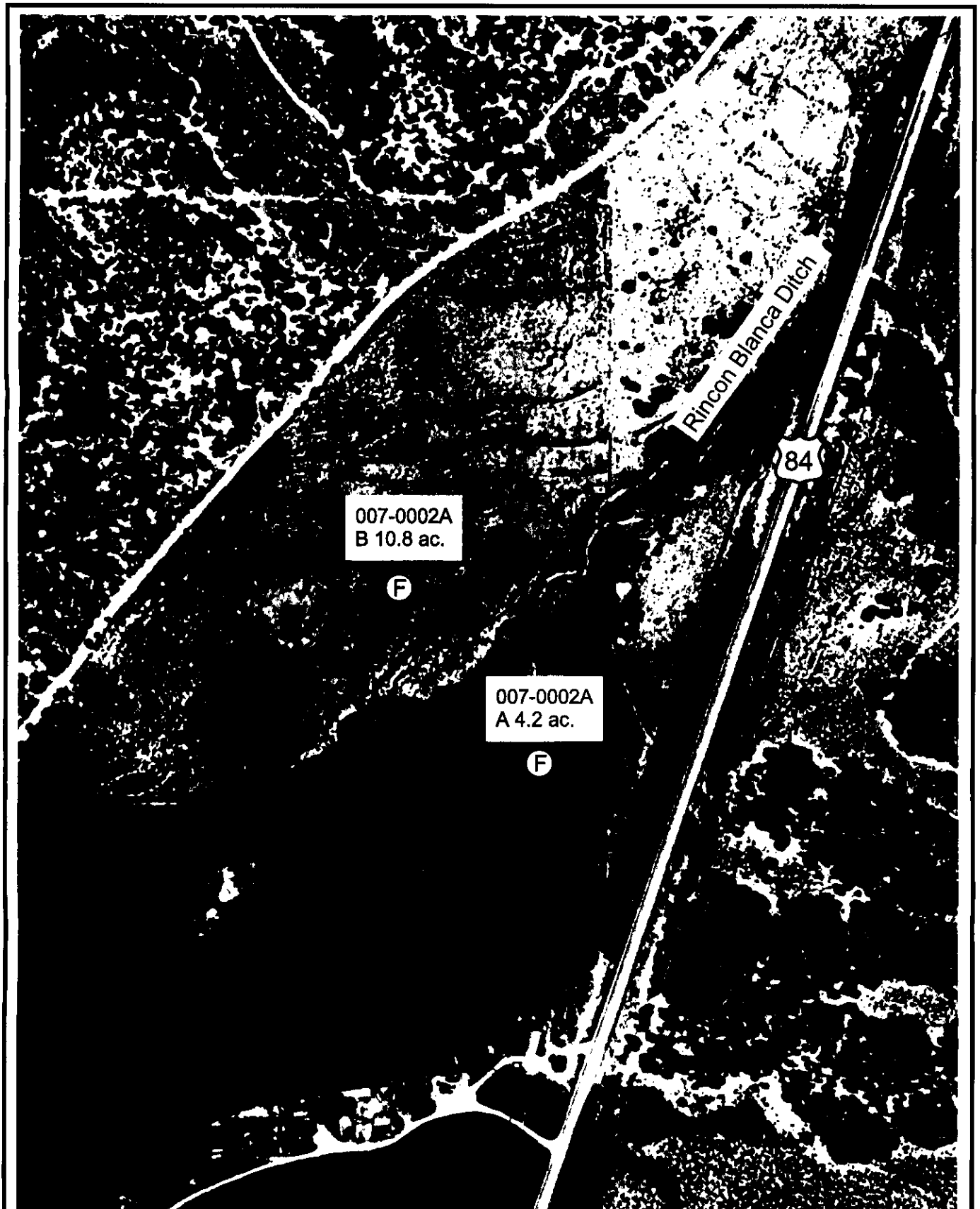
ACCEPTED: Leroy A. Martinez  
LEROY A. MARTINEZ


ADDRESS: PO Box 218  
Cebolla, NM

DATE: 8/16/01  
87518

Ed Neville  
EDWARD G. NEWVILLE  
Special Assistant Attorney General

8-18-01  
Date



<p><b>Legend</b></p> <ul style="list-style-type: none"> <li>— Irrigated Tract Boundary</li> <li>— Operable Ditch</li> <li>- - Inoperable Ditch</li> <li>— Stock Pond / Reservoir</li> <li>● Point of Diversion</li> <li>⊖ Fallow</li> </ul> <p style="text-align: center;"><b>Scale</b> 1 inch = 300 feet</p> <p>100 0 100 200 300 Feet</p>	<p>N</p> <p>STATE OF NEW MEXICO Office of the State Engineer Thomas C. Turney, State Engineer</p> <p><b>Rio Chama Hydrographic Survey RIO CEBOLLA SECTION</b></p>	<p>Subfile Number CHCB-007-0002A Rincon Blanca Ditch AMENDED Aug. 10, 2001</p> 
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